

NEW APPLICATION
ORIGINAL



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Arizona Corporation Commission

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A Professional Corporation
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Attorneys for Verde Santa Fe Water Company

W-03231A-05-0111

BEFORE THE ARIZONA CORPORATION COMMISSION

IN THE MATTER OF THE
CONDEMNATION OF VERDE SANTA FE
WATER COMPANY

DOCKET NO. W- 03231A-05-

NOTICE OF CONDEMNATION

Verde Santa Fe Water Company (the "Company") hereby provides notice to the Commission that all of its assets have been condemned by the City of Cottonwood ("City") pursuant to a final order of condemnation entered by the Yavapai County Superior Court on October 20, 2004 (copy attached hereto) and the Company ceased doing business as a public service corporation at that time. As part of the condemnation of the Company's assets, the City agreed to take responsibility for all outstanding line extension agreements and customer deposits and all deposits have now been transferred to the City and the Company has no more utility related business to transact.

RESPECTFULLY SUBMITTED this 16th day of February, 2005.

FENNEMORE CRAIG, P.C.

By

Jay L. Shapiro

Attorneys for Verde Santa Fe Water Company

1 ORIGINAL and 13 copies of the
2 foregoing filed this
3 16th day of February 2005, to:

4 Docket Control
5 Arizona Corporation Commission
6 1200 West Washington Street
7 Phoenix, Arizona 85007

8 Copy hand-delivered this
9 16th day of February 2005, to:

10 Christopher Kempley
11 Legal Division
12 Arizona Corporation Commission
13 1200 West Washington Street
14 Phoenix, Arizona 85007

15 Barb Wells
16 Engineering Division
17 Arizona Corporation Commission
18 1200 West Washington Street
19 Phoenix, Arizona 85007

20 By: Colleen A Lydon
21 1602794.1

ORIGINAL FILED THIS OCT 25
DAY OF _____
JEANNE HICKS
Clerk Superior Court M.E. DUNN
By _____ Deputy

1 Robert V. Kerrick (001891)
Walter A. Ulrich (022734)
2 GALLAGHER & KENNEDY, P.A.
2575 East Camelback Road
3 Phoenix, Arizona 85016-9225
(602) 530-8000
4 Attorneys for Plaintiff City of Cottonwood

5 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

6 IN AND FOR THE COUNTY OF YAVAPAI

7 CITY OF COTTONWOOD, a political
subdivision of the State of Arizona,

8 Plaintiff,

9 vs.

10 VERDE SANTA FE WATER COMPANY, an
11 Arizona limited liability company; STARDUST
DEVELOPMENT, INC., an Arizona
12 corporation; VERDE SANTA FE
COMMUNITY ASSOCIATION, an Arizona
13 corporation; AMANTE AT VERDE SANTA
FE HOMEOWNERS ASSOCIATION, an
14 Arizona corporation; STARDUST – VSF,
INC., an Arizona corporation; COUNTY OF
15 YAVAPAI; UNKNOWN OWNERS AND
CLAIMANTS; JOHN DOES I-X; JANE DOES
16 I-X; ABC CORPORATIONS I-X,
HEIRS AND DEVISEES OF ANY OF THE
17 ABOVE-NAMED DEFENDANTS, IF
DECEASED,

18 Defendants.
19

No. CV820040184

**STIPULATED FINAL ORDER OF
CONDEMNATION**

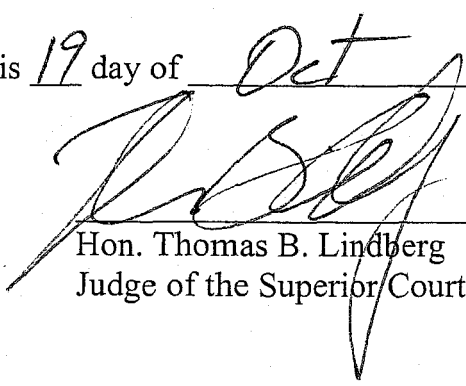
(Hon. Thomas B. Lindberg)

20 It appearing to the Court that the Stipulated Final Judgment in Condemnation
21 heretofore in the above-entitled action has been fully paid and satisfied; and
22

1 It further appearing to the Court that, pursuant to the provisions of Paragraph 5 of
2 the Stipulated Final Judgment in Condemnation, this Court shall now enter the Stipulated
3 Final Order of Condemnation.

4 IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that sole use,
5 possession and ownership of all of the plant, system and business of VERDE SANTA
6 FE WATER COMPANY ("VSFWC"), including, but not limited to, all fee and/or
7 leasehold interests in real property described in Exhibit "A" attached hereto, all
8 easements, pumps, wells, waterlines, meters, personal property and/or other equipment
9 utilized in providing and necessary to provide water service, the VSFWC Certificate of
10 Convenience and Necessity as shown on the map attached hereto as Exhibit "B", and/or
11 business, and all tangible, intangible, personal, or real property rights or interest in any
12 way related thereto, be, and the same are, hereby condemned for the use and benefit of
13 the CITY OF COTTONWOOD ("CITY"), and that the ownership of the same be, and is,
14 hereby vested in the CITY, a political subdivision of the State of Arizona in their "as is,
15 where is, with all faults" condition, and without the necessity of any other consents,
16 orders or approvals by any governmental entities, free and clear of any and all claims by,
17 through or on behalf of VSFWC.

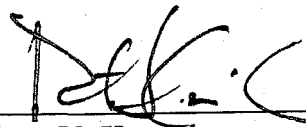
18 DONE IN OPEN COURT this 19 day of Oct, 2004.

19
20 
21 Hon. Thomas B. Lindberg
22 Judge of the Superior Court

///

1 APPROVED AS TO FORM AND CONTENT:

2 GALLAGHER & KENNEDY, P.A.

3 
4 _____

5 Robert V. Kerrick
6 Walter A. Ulrich
7 2575 East Camelback Road
8 Phoenix, Arizona 85016
9 Attorneys for Plaintiff City of Cottonwood

7 FENNEMORE CRAIG, P.C.

8 
9 _____

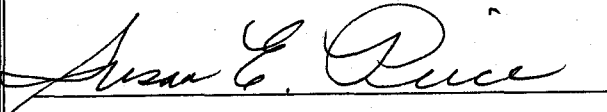
10 Jay Shapiro
11 Bart Wilhoit
12 3003 North Central Avenue, Suite 2600
13 Phoenix, Arizona 85012-2913
14 (602) 916-5000
15 Attorneys for Defendant Verde Santa Fe
16 Water Company
17
18
19
20
21
22

1 ORIGINAL hand-delivered this 19th
day of October, 2004, to:

2 Hon. Thomas B. Lindberg
3 Judge of the Superior Court
Verde Valley Justice Center
4 3505 West Highway 260
Camp Verde, Arizona 86322

5 COPY mailed this 20th day of
6 October, 2004, to:

7 Jay Shapiro, Esq.
Bart Wilhoit, Esq.
8 Fennemore Craig, P.C.
3003 North Central Avenue, Suite 2600
9 Phoenix, Arizona 85012-2913
(602) 916-5000
10 Attorneys for Defendants Verde Santa Fe
Water Company

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14 15513-0001/1212004
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EXHIBIT A

LEGAL DESCRIPTION

TRACT "G", EXCEPT WASH AREA, AMANTE AT
VERDE SANTA FE

Tract G, AMANTE AT VERDE SANTA FE, as depicted in Book 50 of Maps and Plats, Pages 19-26, Official Records of Yavapai County, Arizona, being a portion of Section 6, Township 15 North, Range 4 East of the Gila and Salt River Base and Meridian, Yavapai County, Arizona.

EXCEPT the following described property:

A portion of Tract G, AMANTE AT VERDE SANTA FE, as depicted in Book 50 of Maps and Plats, Pages 19-26, Official Records of Yavapai County, Arizona, being a portion of Section 6, Township 15 North, Range 4 East of the Gila and Salt River Base and Meridian, Yavapai County, Arizona, and being more particularly described as follows:

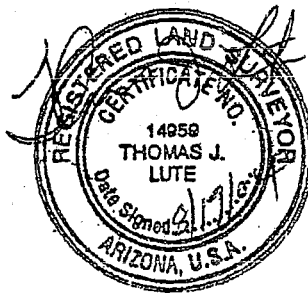
BEGINNING at a 5/8" rebar found at the west quarter corner of said Section 6, said point also being the northwest corner of said Tract G, from which a 3 1/2" Bureau of Land Management brass cap, found at the southwest corner of said Section 6, bears South 00°09'34" West, a distance of 2640.64 feet, thence North 67°09'04" East, along the north line of said Tract G, a distance of 490.27 feet, to the northeast corner of said Tract G;

thence South 00°54'09" East, along the east line of said Tract G, a distance of 37.73 feet to a point on a line which is 35.0 feet southerly of and parallel with the north line of said Tract G;

thence South 67°09'04" West, along said parallel line, a distance of 491.03 feet, to a point on the west line of said Tract G and said Section 6;

Thence North 00°09'34" East, along said west line, a distance of 38.02 feet to the POINT OF BEGINNING.

Said parcel containing 1.81 acres, more or less.



Map No. 27.

COUNTY: Yavapai

RANGE 4 East

TOWNSHIP 15 North

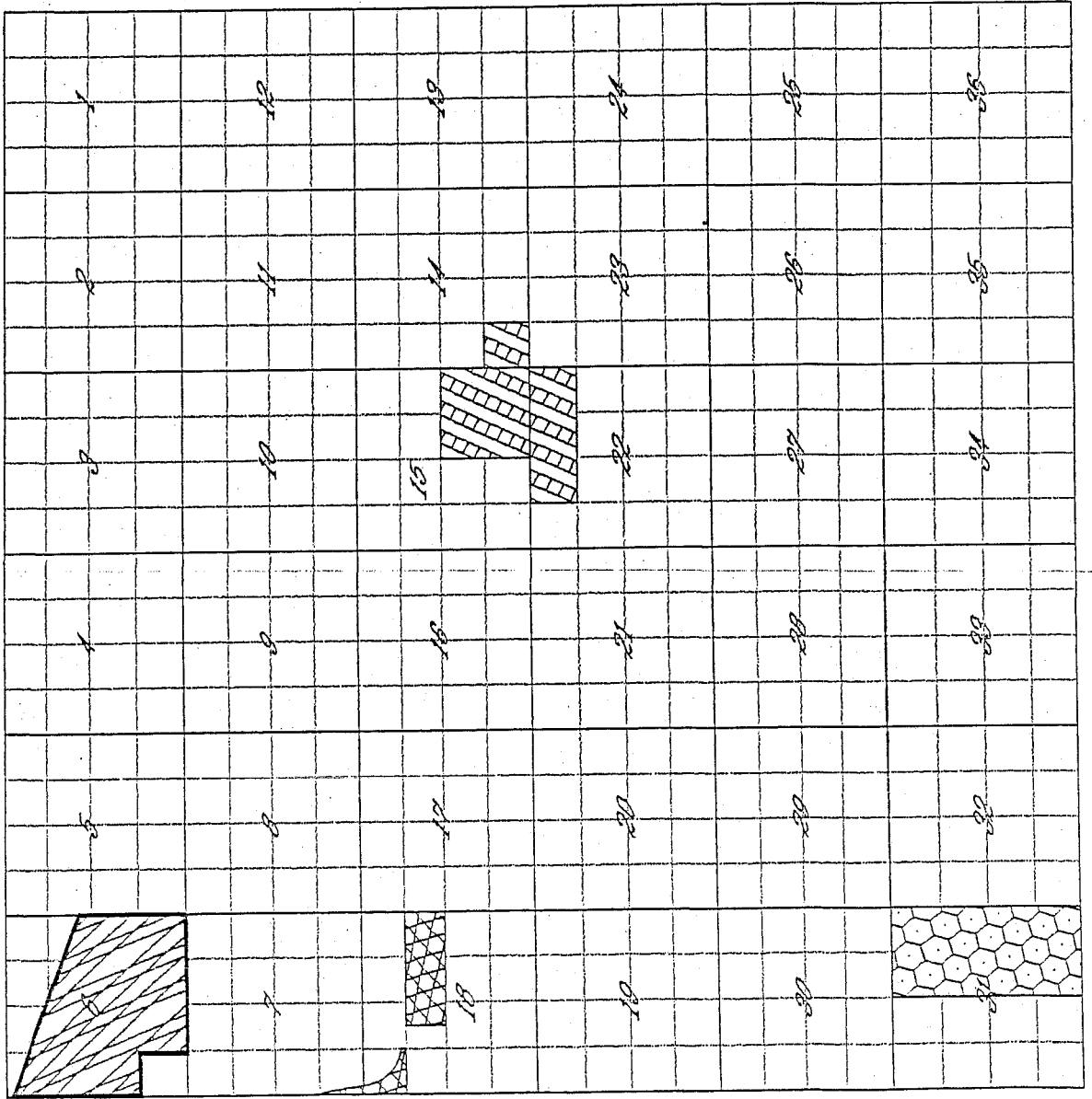
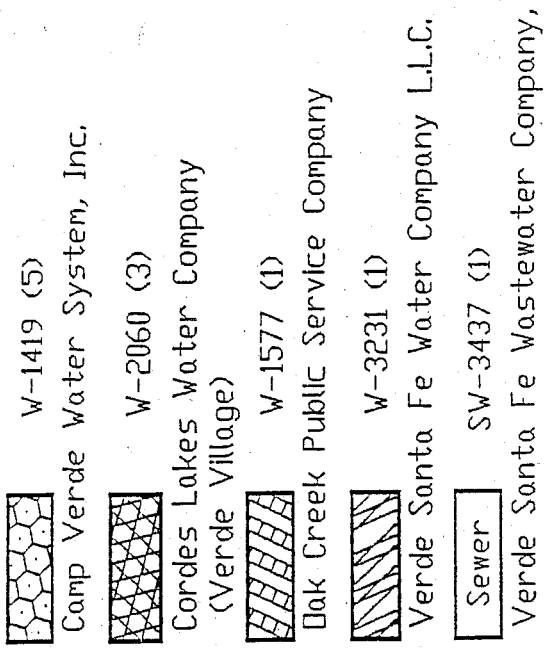


EXHIBIT B